

WYRE FOREST DISTRICT COUNCILCABINET MEETING
28TH July 2005Proposed Changes to Development Control Practice Note 3 – Publicity and Consultation on planning applications and amendments

OPEN	
COMMUNITY STRATEGY THEME:	A Better Environment
CORPORATE PLAN THEME:	Delivering Quality Services
KEY PRIORITY:	Best Practice
CABINET MEMBER:	Councillor James Dudley
RESPONSIBLE OFFICER:	Head of Planning, Health and Environment
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APPENDICES:	Draft Revised Development Control Practice Note 3 – Publicity and Consultation on planning applications and amendments. A copy of Practice Note 3 has been placed in Party Group Rooms and a Public Inspection copy is available on request. (See front cover for details).

1. PURPOSE OF REPORT

- 1.1 This report seeks Members' approval for proposed changes to Development Control Practice Note 3 which sets out the consultation arrangements for planning applications. The revised Practice Note also refers to changes in consultation arrangements resulting from Electronic Service Delivery.

2. RECOMMENDATION**2.1 The Cabinet is asked to RECOMMEND to Council:**

- i) That the revised Development Control Practice Note 3 – Publicity and Consultation on planning applications and amendments be published and adopted
- ii) That the Head of Planning, Health & Environment be given delegated powers to make further changes as necessary to the Practice Note relating to operational changes arising from the introduction of electronic service delivery

3. BACKGROUND

- 3.1 The Development Control Manager was invited to provide a presentation on the how cross boundary planning decisions are made and the consultation arrangements for such applications at the Parish Forum on 21st April 2005.
- 3.2 As a result of the discussions that took place at the Parish Forum, the Development Control Manager agreed to:
1. write to South Staffordshire District Council to ask what its policy is on consulting Parish/Town Councils over planning applications for sites adjacent to their boundaries, as it does not appear to be consulting Parish Councils in Wyre Forest District under these circumstances;
 2. submit a report to the District Council's Planning (Development Control) Committee to enable it to review Council procedures on cross boundary and adjacent boundary consultation with other planning authorities and Town/Parish Councils;
 3. consult Town and Parish Councils within the District over any proposed revisions to Development Control Practice Note 3, as a result of 2 above, prior to their submission to full Council for approval; and
 4. request neighbouring planning authorities to e-mail their weekly lists of planning applications to relevant Town/Parish Councils in the District

4. KEY ISSUES

- 4.1 The key points provided at the Parish Forum are summarised below:
- 4.2 There are three main types of cross boundary planning applications:
- i) Applications which cross boundaries between a local planning authority and a neighbouring planning authority
- 4.3 Where a proposed development site crosses the boundary of a local planning authority and a neighbouring planning authority, the applicant must submit the application to both planning authorities. However, the fee is payable only to the authority in which the largest part of the site is located. Each authority can only determine the application relating to the part of the site in its own area.
- ii) Applications which cross boundaries between parishes
- 4.4 Article 13 of The General Development Procedure Order 1995 states that Parish Councils are statutorily entitled to be notified of every planning application in their areas. Where an application site is located in more than one parish, the Council consults with all of the parishes involved. Wyre Forest District Council also endeavours to consult the neighbouring Parish Council when an application site is adjacent to their boundary, but that is not a statutory requirement.

iii) Consultation with Neighbouring Planning Authorities

- 4.5 Article 10 of the General Procedure Development Order 1995 requires that County Local Planning Authorities consult the District Planning Authority if the development is likely to affect land in a non metropolitan county. Where an application site is adjacent to a neighbouring planning authority, Wyre Forest District Council consults that authority and allows up to 21 days for a response.
- 4.6 Where Wyre Forest District Council is consulted on applications adjacent to its boundary, it comments on large-scale and sensitive applications, but it does not normally comment on small-scale, non-controversial proposals.
- 4.7 Development Control Practice Note 3 sets out the consultation arrangements for planning applications but it does not refer to the three types of cross boundary applications described above. The purpose of this report is to seek approval for changes to the Practice Note to formalise the procedure for consulting with neighbouring Planning Authorities and to ensure that Parish Councils are consulted on schemes adjacent to their boundary.
- 4.8 Following the Forum meeting, the Local Planning Authorities within the County Development Control Group have been contacted to obtain details of their consultation procedure for sites close to or adjacent to Local Authority boundaries. Bromsgrove District Council, Wychavon District Council, Redditch District Council, and Worcester City Council have all confirmed that they have no formal procedure for notifying neighbouring authorities of applications. With the exception of where the Shopping Direction applies, the decision whether to consult the neighbouring authority is generally based on the scale and nature of the proposal.
- 4.9 At the Forum meeting, specific concern was raised over the consultation arrangements by South Staffordshire Council. South Staffordshire Council have been contacted and details of their consultation arrangements requested. At the time of writing this report their response is still required and as such will be reported at the meeting.
- 4.10 The neighbouring planning authorities have been contacted with a request that their weekly lists be emailed to the Town/Parish Councils within Wyre Forest District.
- 4.11 The Parish Councils have been invited to make representations at the Environment and Economic Regeneration Policy & Scrutiny Panel on 25th July 2005 on the proposed changes to Practice Note 3.
- 4.12 The Council is currently in the process of installing planning and building control software to enable it to meet its electronic service delivery targets by December 2005. Coupled with the introduction of the Worcestershire Hub this will inevitably mean that we will deliver our services in a different way to the public, our partners and statutory consultees in the future. The Practice Note will require future amendment to reflect this and delegated powers are requested to enable the necessary changes to be made when electronic delivery becomes fully operational.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications associated with the proposed changes to the Development Control Practice Note 3 resulting from the Parish Form, however in the longer term there will be financial savings in terms of reducing postage costs through Electronic Service Delivery.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 Consultation with statutory consultees by e-mail is in line with the Council's Electronic Service Delivery Aims.
- 6.2 Current practices are already legally correct but it is considered that the proposed changes give greater clarity of involvement in the planning process.

7. RISK MANAGEMENT

- 7.1 There are no risks to the Council in making these changes. The timetable for consultation will not need to be extended as a result of the changes.

8. CONCLUSION

- 8.1 It is considered that the proposed changes to the Practice Note give greater clarity to the consultation arrangements for planning applications.

9. CONSULTEES

- 9.1 Head of Legal and Democratic Services

10. BACKGROUND PAPERS

Development Control Practice Note 3 – updated September 2004

General Development Procedure Order 1995